IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15915 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

IKBAL ABDUL KARIM VAHORA

Versus

REGIONAL PASSPORT OFICER

Appearance:

1. Special Civil Application No. 15915 of 2003

MR BG PATEL for Petitioner No. 1

MR DN PATEL for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE C.K.BUCH

Date of decision: 24/12/2003

ORAL JUDGEMENT

1. Rule. Service of rule is waived by learned

advocate Shri Krunal Pandya appearing for Shri D.N. Patel, Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

2. In this petition, the petitioner has prayed to issue appropriate writ, order or direction to the respondents authority directing the respondents to correct the place of birth of the petitioner in the passport No. A.7721112 from Nadiad to Kathalal and issue fresh passport to the petitioner showing correct place of birth as Kathalal.

3. The grievance of the petitioner is that the petitioner has been issued a passport which bears incorrect place of birth. That place of birth mentioned in the passport is the place of birth mentioned in the School Leaving Certificate (SCL for short) tendered to the authority at the relevant point of time. However, his correct place of birth is Kathalal. In support of his say, he has produced Birth Certificate issued by the Talati-cum-Mantri, Kathalal Gram Panchayat, Kathalal maintained under the Birth & Death Registration Act certifying that the place of birth of the petitioner is Kathalal.

4. Looking to the facts of the case, the petitioner is directed to submit an application to the respondent authority with relevant documents and evidence to show that the petitioner was in fact born at Kathalal. If the authority is satisfied that the correct place of birth of the petitioner is Kathalal, I am sure that the authority shall issue a new passport recording correct place of birth i.e. Kathalal.

5. In the instant case, the petitioner while giving information/details to the passport authority, had committed an error and instead of mentioning correct place of birth, he mentioned the place of birth as mentioned in SCL Nadiad. Because of the error committed by the petitioner, the respondent passport authority shall have to be directed to issue new passport on the strength of the representation made and in light of the observations made in this judgment mentioning the correct place of birth of the petitioner viz. Kathalal. The respondents have been dragged into the present litigation because of the error committed by the petitioner in furnishing details to the passport authority as aforesaid and now the passport authority shall have to consider the representation and issue new passport with the correct date of birth and hence the petitioner should be fastened with the liability to pay some costs and the same is quantified at Rs.5000/. (Rs. Five thousand only). Petitioner, therefore, is directed to pay the aforesaid amount of costs to the respondent passport authorities

directly.

6. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute to the above extent. D.S. permitted.

[C.K. BUCH, J]

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